

EXHIBIT 10

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl: Master File No. 1:00-1898
Ether ("MTBE") : MDL NO. 1358 (SAS)
Products Liability : M21-88
Litigation :

This Document Relates to:
Orange County Water District
v. Unocal Corporation, et al.,
S.D.N.Y. No. 04 Civ. 4968 (SAS)

CONFIDENTIAL
(Per 2004 MDL 1358 Order)

July 31, 2008

Videotaped Deposition of DAVID P. BOLIN,
Volume 2, OCWD'S 30(b)(6) DESIGNEE, held in the law
offices of Latham & Watkins, 650 Towne Center Drive,
Suite 2000, Costa Mesa, beginning at 9:04 a.m., before
Sandra Bunch VanderPol, RPR, RMR, CRR, CSR #3032.

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1 see that?

2 A. Yes, I do.

3 Q. Now, did you read the Komex written
4 report, from which I'm reading now, before you made
5 the decision to include Unocal 5226 in plume No. 9?

6 A. I can't tell you which reports I read
7 at what time with respect to listing these wells.

8 But I can comment on the wells that you're
9 referring to. These wells -- I don't know what types
10 of wells these are. WM-8 is identified as a
11 municipal well. But that does not necessarily mean
12 that it is a drinking water production well.

13 The wells that are included on this map, as
14 I stated earlier, are limited to large system
15 production wells, small system production wells,
16 other system production wells, monitoring wells with
17 MTBE detections, destroyed and sealed wells with MTBE
18 detections, but may not include municipal supply
19 wells and would not include the three wells that are
20 identified in parentheses, W-16927, W-2405, and WM-9.

21 There are a lot of wells, as I stated
22 earlier, thousands of wells, in the basin that are a
23 variety of different kinds of wells, including oil
24 wells, including agricultural wells, including
25 abandoned wells, including -- when I say "abandoned"

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1 in this context, I mean wells that were not
2 destroyed, they were just walked away from. They
3 still exist. In some cases we don't know exactly
4 where, we just know the proximate location.

5 But these are the kind of wells that we're
6 concerned as being potential conduits for
7 contaminated water flowing from the shallow zone into
8 a deeper zone.

9 There's an error, apparently, in the 600
10 feet reference in the report versus the five point
11 something miles referenced in the summary sheet. But
12 the fact remains that these are the conduits I
13 alluded to earlier that are in proximity to the
14 different sites.

15 Q. Do you know whether there's been a
16 detection of MTBE in Westminster production Well No.
17 8?

18 A. I do not.

19 Q. I'm going to ask you a series of
20 questions limited to the Unocal 5226 station. Ready?

21 A. Okay.

22 Q. Okay. Have you, or has anyone else
23 from the District, had any communication with
24 consultants or contractors on the Unocal 5226 station
25 for any purpose?

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1 A. If you're asking me whether we have
2 had any communication with any consultants, have
3 actually worked on that station excluding Komex, I
4 can't be certain.

5 If there were communication directly with a
6 consultant working on that station for any of the
7 opposing parties in this case, it would have been
8 before I was there, or it might have been during a
9 meeting at one of the regulatory agencies when these
10 kinds of meetings come up on occasion.

11 Q. In the deposition notice, which is
12 Exhibit 1, category topic No. 8 is the following,
13 quote, "All communications between the District
14 and" -- strike that. I'm going to ask a different
15 question.

16 Let's go to No. 13. 13 is similar, but in
17 fairness it's not the same question I just asked you.

18 A. What page are you on?

19 Q. Category 13, "The efforts the
20 District has made to contact potentially responsible
21 parties or to request that they take additional or
22 different actions regarding focus plumes 2, 7 or 9,
23 which includes the stations."

24 Solely with respect to Unocal 5226, has the
25 District made any contact with Unocal, Tosco,

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1 ConocoPhillips, or any of its consultants, to request
2 that they take additional or different actions
3 regarding their remediation project?

4 MR. MILLER: Counsel, I need an agreement on
5 the record so that we don't have to do this
6 repeatedly. Your client wanted to talk to the
7 District about settlement, and they wanted to do so
8 before they retained law firms, and clients were
9 present.

10 Can we carve all of that out of the
11 question?

12 MR. ANDERSON: I certainly think so. And I
13 wouldn't expect this witness to have included that.

14 Agreed. Agreed.

15 MR. MILLER: Thank you. Now, I hope he
16 still has the question in mind.

17 THE WITNESS: I believe I do. By the way,
18 that's the first time I've heard of that.

19 I can only speak of what it might have taken
20 place while I've been at the District. I cannot say
21 what might have happened before I joined the
22 District. It's possible there was communication
23 before I was there.

24 But it is my belief that there has not been
25 any communication on the part of Orange County Water

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1 District with Unocal, in this case, regarding this
 2 particular site, about activities that they were
 3 doing or should do or should not do at this site.
 4 It is possible there was some communication
 5 with the party at a meeting with -- at a regulatory
 6 agency, but if there was -- if there was any
 7 communication, if there were any meetings in that
 8 regard with Unocal about this site, I'm not aware of
 9 it.

10 And if there's any communication that's
 11 available that -- if I'm in error, if there's any
 12 communication that's available, you should have that
 13 in your production.

14 BY MR. ANDERSON:

15 Q. Has the District taken any actions to
 16 remediate MTBE or TBA contamination with respect to
 17 the Unocal 5226 site?

18 A. If you're asking me has the Orange
 19 County Water District removed contamination from the
 20 site directly through its activities, including
 21 installation or operation of a remediation system,
 22 whether it's ours or somebody else's, the answer is,
 23 no.

24 Q. Has the District attempted to do so?

25 A. The Orange County Water District has

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1 not started remediation at this site, insofar as we
 2 have designed and installed a remediation system or
 3 operated somebody else's system.

4 What we have done is to begin to understand
 5 and are working to understand the nature of the
 6 problem, the degree, the extent, and whether any
 7 activity by Orange County Water District is necessary
 8 for remediating the site.

9 Q. Has any determination been made by
 10 the District that any activities to remediate or
 11 clean up that site are appropriate?

12 A. I'm sorry. Would you -- would you
 13 repeat that question, please.

14 (Record read as follows: QUESTION: Has any
 15 determination been made by the District that any
 16 activities to remediate or clean up that site are
 17 appropriate?)

18 MR. ANDERSON: That's a bad question.

19 Q. Has the District made any
 20 determination that it needs to take action to
 21 remediate or clean up that site?

22 A. No. That -- that determination is
 23 still in progress.

24 Q. Has the District made any
 25 determination that any different remediation or

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1 cleanup actions for that site are necessary or
 2 appropriate?

3 A. That determination is still in
 4 progress, including hiring some additional expertise
 5 to help us evaluate the appropriate remediation
 6 technology, its application, the operation, whether
 7 it's existing, existed in the past, or might exist in
 8 the future.

9 Q. You're the person designated as most
 10 knowledgeable about the District's investigation into
 11 these particular sites and what has and hasn't been
 12 done.

13 My question is: Have you personally
 14 concluded that there's any urgent need to address any
 15 particular problems at the 5226 Unocal site?

16 A. My determination is that there has
 17 been a release at this site that's in groundwater
 18 that is spreading. When I say "release," I mean MTBE
 19 and/or TBA, as -- excuse me. I don't want to
 20 misspeak. I want to say, in general terms, MTBE
 21 and/or TBA is released from this site, gotten into
 22 groundwater, is flowing within the groundwater, and
 23 is threatening drinking water production wells.

24 Whether there is the need or requirement on
 25 the part of Orange County Water District to take

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1 active steps in remediating the site has not yet been
 2 determined.

3 Q. Have you spoken to any regulators who
 4 have oversight responsibility for that site?

5 A. I don't remember whether I have
 6 talked to regulators specifically about this site.

7 Q. Do you know who the regulators are
 8 who are responsible for that site?

9 A. Not off the top of my head.

10 Q. Do you know which regulatory body is
 11 in charge of the remediation at that site?

12 A. I can check, if you give me just a
 13 moment, instead of going on memory.

14 As of April 2008, or close to that time,
 15 Shamala, and forgive me, I cannot pronounce the last
 16 name, with the Orange County Health Care Agency, is
 17 the case manager for that site.

18 Q. Do you know that person?

19 A. I know her.

20 Q. You know her. Do you consider her to
 21 be competent in her job?

22 A. I think she's good.

23 Q. Do you believe the Orange County
 24 Health Care Agency takes its responsibility seriously
 25 when it oversees remediation projects?

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<p style="text-align: right;">Page 456</p> <p>1 A. I do.</p> <p>2 Q. Do you have any reason to believe</p> <p>3 that the Orange County Health Care Agency is not</p> <p>4 doing an adequate job of overseeing the remediation</p> <p>5 activities at the Unocal 5226 site?</p> <p>6 MR. MILLER: Vague.</p> <p>7 THE WITNESS: I believe that Orange County</p> <p>8 Health Care Agency, as well as the Water Resources</p> <p>9 Control Board and Santa Ana, in this case, they have</p> <p>10 jurisdiction over this part of the state, and other</p> <p>11 agencies, don't have all of the resources available</p> <p>12 to them, readily available to them, to make some</p> <p>13 determinations, and that the vast majority of the</p> <p>14 data and the information that they have to rely on</p> <p>15 actually comes from consultants doing work at the</p> <p>16 site.</p> <p>17 Based on that limited information, and the</p> <p>18 limited understanding of perhaps the hydrogeology in</p> <p>19 proximity to the site, the conceptual hydrogeology,</p> <p>20 which in many cases has not been evaluated, would</p> <p>21 cause someone like Ms. -- I think she goes by</p> <p>22 Sundaram -- Ms. Sundaram to come to different</p> <p>23 conclusions that she otherwise might come to if she</p> <p>24 had all of the information available to her.</p> <p>25 Q. And does Orange County Water District</p>	<p style="text-align: right;">Page 458</p> <p>1 A. I can't think of specific example off</p> <p>2 the top of my head where Orange County Water District</p> <p>3 has instructed or indicated the type of remediation</p> <p>4 that should be done in lieu of the remediation that</p> <p>5 might be taking place.</p> <p>6 But that's not to say that they haven't done</p> <p>7 it or that it hasn't been discussed by someone else</p> <p>8 at the District on different occasions. The numbers</p> <p>9 of meetings the District has had with regulatory</p> <p>10 agencies on the number of sites is fairly limited, in</p> <p>11 terms of how many sites are out there.</p> <p>12 Q. Isn't it true that the District</p> <p>13 relies on the investigation and remediation oversight</p> <p>14 by the regulatory agencies to prevent MTBE and other</p> <p>15 contaminants from escaping gas station spill sites?</p> <p>16 A. It is true that we do rely on the</p> <p>17 regulatory agencies to oversee those activities.</p> <p>18 Q. And that is the presumption at Orange</p> <p>19 County Water District, that the regulatory agencies</p> <p>20 will be the ones overseeing those remediation</p> <p>21 projects, right?</p> <p>22 A. I'm not certain I --</p> <p>23 MR. MILLER: Vague on "presumption."</p> <p>24 THE WITNESS: I was going to say, I'm not</p> <p>25 certain what you mean.</p>
<p style="text-align: right;">Page 457</p> <p>1 have superior information and resources to those</p> <p>2 available to the Orange County Health Care Agency and</p> <p>3 the Orange County -- or the Santa Ana Regional Water</p> <p>4 Quality Control Board, with respect to overseeing</p> <p>5 remediation projects?</p> <p>6 MR. MILLER: Compound.</p> <p>7 THE WITNESS: It depends on how you're</p> <p>8 defining superior.</p> <p>9 I will say that Orange County Water District</p> <p>10 has more knowledge and understanding of the</p> <p>11 hydrogeology in the basin, including in some cases</p> <p>12 specifically around some of these sites where we have</p> <p>13 done further localized evaluation and, consequently,</p> <p>14 might have a different opinion about contamination</p> <p>15 releases and movement and potential threats to</p> <p>16 drinking water wells.</p> <p>17 BY MR. ANDERSON:</p> <p>18 Q. Can you think of a single release</p> <p>19 site -- and let's -- let's limit it to gasoline</p> <p>20 release sites. Let's not worry about other</p> <p>21 chemicals.</p> <p>22 Can you think of a single release site where</p> <p>23 Orange County Water District has become actively</p> <p>24 involved in overseeing or making recommendations on</p> <p>25 the remediation activities?</p>	<p style="text-align: right;">Page 459</p> <p>1 BY MR. ANDERSON:</p> <p>2 Q. Okay. That unless there are</p> <p>3 exceptional circumstances, Orange County Water</p> <p>4 District depends on and allows the regulatory</p> <p>5 agencies to provide that oversight?</p> <p>6 MR. MILLER: Vague.</p> <p>7 THE WITNESS: I want to answer your question</p> <p>8 the best way I can.</p> <p>9 Orange County Water Districts rely on the</p> <p>10 regulatory agencies to do their job to oversee all</p> <p>11 activities associated with a particular site:</p> <p>12 Environmental activities, operations, that kind of</p> <p>13 thing. Whatever their jurisdiction is.</p> <p>14 We do not rely entirely that all of the</p> <p>15 decisions or all of the actions that have taken</p> <p>16 place -- that took place, that are taking place, or</p> <p>17 that will take place, will resolve the issue of MTBE</p> <p>18 or fix the problems, the releases from the sites.</p> <p>19 BY MR. ANDERSON:</p> <p>20 Q. Can you think of any examples with</p> <p>21 respect to MTBE contamination and remediation where</p> <p>22 Orange County Water District has made even a single</p> <p>23 suggestion to a responsible party or its consultant</p> <p>24 about how to conduct the remediation of MTBE?</p> <p>25 A. I can't speak about what took place</p>

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1 before I joined the District. And since litigation
2 had already been initiated after I joined the
3 District, I don't believe there's been any occasion
4 where any staff at the District has made a case to
5 any one of the RPs, the responsible parties, as to
6 how to conduct a remediation program at their site.

7 Q. Is it true that the District has no
8 reason to take action in response to a release of
9 gasoline containing MTBE, where the Regional Board or
10 other local authority has received notice of the
11 release?

12 MR. MILLER: Are you going to include any
13 other facts in your hypothetical?

14 MR. ANDERSON: It's not a hypothetical.

15 THE WITNESS: Would you read that question,
16 please.

17 (Record read as follows: QUESTION: Is it
18 true that the District has no reason to take action
19 in response to a release of gasoline containing MTBE,
20 where the Regional Board or other local authority has
21 received notice of the release?)

22 MR. ANDERSON: I will add something.
23 Although, I'm not doing it because Mr. Miller
24 objected. I'm doing it purely on my own.

25 MR. MILLER: You have your own

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1 not because of Mr. Miller -- and then I asked you a
2 better question.

3 THE WITNESS: Could you read that second
4 question for me, please.

5 (Record read as follows: QUESTION: Is it
6 true that the District has no reason to take action
7 in response to a release of gasoline containing MTBE,
8 where the Regional Board or other local authority has
9 received notice of the release?)

10 THE WITNESS: That neither causes the
11 District to take action or not take action. Because
12 there has been a release that has been noticed -- do
13 we need to change the tape?

14 MR. ANDERSON: Let's change the tape, then
15 we will read back your partial answer, in fairness to
16 you, so you can be refreshed.

17 THE WITNESS: Thank you.

18 THE VIDEOGRAPHER: This is the end of tape
19 two in the videotape deposition of David Bolin. At
20 2:50 p.m. we are off the record.

21 (Recess taken.)

22 THE VIDEOGRAPHER: This is the beginning of
23 tape three in the videotape deposition of David
24 Bolin. At 3:05 p.m. we are back on the record.

25 ///

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1 self-interest.

2 MR. ANDERSON: I have my own self-interest.

3 MR. MILLER: You finally figured it out.

4 BY MR. ANDERSON:

5 Q. Is it true that the District has no
6 reason to take action in response to a release of
7 gasoline containing MTBE at a gasoline station where
8 the Regional Board or other local authority has
9 received notice of a release and has ordered or
10 undertaken remedial efforts at the site?

11 A. It looks like you're reading from
12 something that's in --

13 Q. That's something that's private
14 that's in front of me. I asked you the question --

15 A. It's in a binder. I thought perhaps
16 it was in the material in front of me.

17 Q. It's not in the binder, no. I'm
18 asking you a question.

19 MR. MILLER: He doesn't want to show you.

20 THE WITNESS: I understand. I thought it
21 was material in my binder.

22 MR. ANDERSON: It's not.

23 THE WITNESS: You've asked me two questions
24 that I haven't answered yet. Do you want to --

25 MR. ANDERSON: I withdrew the question --

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1 BY MR. ANDERSON:

2 Q. Mr. Bolin, would you like your
3 partial answer read back before you complete it or do
4 you have it in mind?

5 A. I have it in mind, but it would still
6 help to have that partial answer reread. I don't
7 want to contradict myself.

8 (Record read as follows: QUESTION: Is it
9 true that the District has no reason to take action
10 in response to a release of gasoline containing MTBE,
11 where the Regional Board or other local authority has
12 received notice of the release? ANSWER: That
13 neither causes the District to take action or not
14 take action. Because there has been a release that
15 has been noticed...)

16 THE WITNESS: I'm going to begin from the
17 beginning.

18 The notice that you described that there's
19 been a release, and I believe you described -- you
20 were reading from text -- I believe you described
21 where the regulatory agency has taken action or
22 prompted or requested remediation, correct me --
23 please correct me if I am wrong.

24 MR. ANDERSON: That's the gist of it.

25 THE WITNESS: And you're asking whether the

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<p style="text-align: right;">Page 496</p> <p>1 drillings monitoring wells, right?</p> <p>2 A. Yes.</p> <p>3 Q. Taking property by eminent domain in</p> <p>4 order to have access to property to do remediation</p> <p>5 work?</p> <p>6 A. They can do that.</p> <p>7 Q. And physically entering property to</p> <p>8 physically remediate contamination, right?</p> <p>9 A. Only under certain circumstances. So</p> <p>10 the last part of your question is, it depends.</p> <p>11 I'm not aware Orange County Water District</p> <p>12 has police authority to enter any property outside of</p> <p>13 its -- the authority that it might have, including</p> <p>14 eminent domain, to apply eminent domain to take</p> <p>15 property and do what we have described, or to install</p> <p>16 wells or do anything that's off the property, on some</p> <p>17 other property, either by easement or lease or</p> <p>18 cooperation with another property owner, or in the</p> <p>19 public right-of-way, including roads and sidewalks,</p> <p>20 and things like that.</p> <p>21 Q. How much money has the District</p> <p>22 expended with respect to focus plumes 2, 7 and 9?</p> <p>23 A. I don't know how much the District</p> <p>24 has spent specific to focus plumes 2, 7 and 9.</p> <p>25 Q. Did you study or investigate that</p>	<p style="text-align: right;">Page 498</p> <p>1 A. It's impossible for me to estimate.</p> <p>2 Q. <u>Have you attempted to come up with an</u></p> <p>3 <u>estimate?</u></p> <p>4 A. No. Of course not. It would be</p> <p>5 <u>premature to estimate how much money the District</u></p> <p>6 <u>plans to spend on focus plumes 2, 7 and 9, or any of</u></p> <p>7 <u>the individual stations within those plumes, without</u></p> <p>8 <u>doing more determination, more evaluation, and then</u></p> <p>9 <u>deciding what it is the District thinks it might have</u></p> <p>10 <u>to do.</u></p> <p>11 Q. Do you have any, any idea when that</p> <p>12 <u>evaluation and determination will be completed?</u></p> <p>13 A. No. Some time in the future.</p> <p>14 Q. It could be two years?</p> <p>15 A. It could be two years.</p> <p>16 Q. It could be five years?</p> <p>17 A. It could be five years.</p> <p>18 Q. It could be ten years?</p> <p>19 A. I don't know. We can keep going on.</p> <p>20 But I don't know how long it will take for the</p> <p>21 <u>District to come to a determination and decide what</u></p> <p>22 <u>it is that it's going to have to do to address the</u></p> <p>23 <u>contamination in plumes 2, 7 and 9, or with regards</u></p> <p>24 <u>to any specific station, because we haven't made a</u></p> <p>25 <u>determination as to what actions would be appropriate</u></p>
<p style="text-align: right;">Page 497</p> <p>1 topic in preparation for your deposition?</p> <p>2 A. No, I did not break out the costs</p> <p>3 that Komex -- that the District has excised or</p> <p>4 expended on behalf of just plumes 2, 7 and 9.</p> <p>5 Q. How much money, if anything, has the</p> <p>6 District expended in connection with the Unocal 5226</p> <p>7 station?</p> <p>8 A. I don't know the answer to that.</p> <p>9 Q. Do you have an estimate?</p> <p>10 A. I don't have an estimate.</p> <p>11 Q. Do you have an estimate of how much</p> <p>12 the District has spent regarding focus plumes 2, 7</p> <p>13 and 9?</p> <p>14 A. I think you just asked me that.</p> <p>15 Q. I didn't say how much. I'm now</p> <p>16 asking if you have an estimate, because you said you</p> <p>17 didn't know how much.</p> <p>18 A. I'm sorry. I didn't catch the</p> <p>19 distinction.</p> <p>20 I don't have an estimate of how much the</p> <p>21 District has spent specific to focus plumes 2, 7 and</p> <p>22 9.</p> <p>23 Q. <u>How much money does the District</u></p> <p>24 <u>expect to spend in the future regarding focus plumes</u></p> <p>25 <u>2, 7 and 9?</u></p>	<p style="text-align: right;">Page 499</p> <p>1 <u>and necessary by the District.</u></p> <p>2 Q. Did you determine in your</p> <p>3 investigation, either as part of your project manager</p> <p>4 job or preparing for this deposition, for how long</p> <p>5 the District has been aware of the MTBE releases at</p> <p>6 Unocal 5226?</p> <p>7 A. No.</p> <p>8 MR. MILLER: Where is that in the issues?</p> <p>9 MR. ANDERSON: I'm sorry?</p> <p>10 MR. MILLER: Where is that in the issues? I</p> <p>11 don't believe it's there.</p> <p>12 MR. ANDERSON: We're talking about the</p> <p>13 District's work, how much it's spent, and when it</p> <p>14 expects to get the work done, and I'm trying to get a</p> <p>15 time frame of how long the work has been going on.</p> <p>16 Q. For how long has the District been</p> <p>17 aware of an MTBE release at station 5226?</p> <p>18 A. I don't know when the District first</p> <p>19 became aware of the release. I can only comment on</p> <p>20 when I became aware of the release.</p> <p>21 Q. And that was in 2005?</p> <p>22 A. It was in approximately 2005, in</p> <p>23 relation to Komex's work.</p> <p>24 Q. How much time do you think it should</p> <p>25 take for the District to be able to evaluate a</p>

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DEPONENT'S CHANGES OR CORRECTIONS

Note: If you are adding to your testimony, print the exact words you want to add. If you are deleting from your testimony, print the exact words you want to delete. Specify with "Add" or "Delete" and sign this form.

DEPOSITION OF: DAVID P. BOLIN, Volume 2

CASE: MTBE MDL (OCWD)

DATE OF DEPOSITION: JULY 31, 2008

PAGE LINE CHANGE/ADD/DELETE

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DEPONENT'S SIGNATURE _____

DATE _____

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REPORTER'S CERTIFICATE

I certify that the witness in the foregoing deposition.

DAVID P. BOLIN,
was by me duly sworn to testify in the within-entitled cause; that said deposition was taken at the time and place therein named; that the testimony of said witness was reported by me, a duly Certified Shorthand Reporter of the State of California authorized to administer oaths and affirmations, and said testimony, pages 275 through 533, was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of August, 2008.

SANDRA BUNCH VANDER POL
Certified Shorthand Reporter
Certificate No. 3032

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl: Master File No. 1:00-1898
Ether ("MTBE") : MDL NO. 1358 (SAS)
Products Liability : M21-88
Litigation :

This Document Relates to:
Orange County Water District
v. Unocal Corporation, et al.,
S.D.N.Y. No. 04 Civ. 4968 (SAS)

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(Per 2004 MDL 1358 Order)

August 20, 2008

Videotaped Deposition of DAVID P. BOLIN,
Volume 4, OCWD'S 30(b)(6) DESIGNEE, held in the law
offices of Latham & Watkins, 650 Towne Center Drive,
Suite 2000, Costa Mesa, beginning at 2:29 p.m., before
Sandra Bunch VanderPol, RPR, RMR, CRR, CSR #3032.

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1 notice in November 2005, according to the e-mail
 2 messages that were sent.
 3 I'm looking at Exhibit 42, for example.
 4 Q. So if you look at Exhibit 45, this is
 5 January of 2008. Scope of work includes -- it looks
 6 like it's basically the completion of what had been
 7 started before; is that a fair, gross generalization?
 8 A. The completion of some of what --
 9 some of the work that had been started before. Much
 10 of the work had been completed, but there were -- but
 11 not everything was completed.
 12 Q. Right. So you wanted to get it
 13 finished so you have a usable final work product from
 14 Komex, right?
 15 A. We wanted Komex, that is the District
 16 wanted Komex to complete the work that they were --
 17 agreed to do.
 18 Q. And has Komex now completed the work
 19 contemplated by the 2005 agreement and the scope of
 20 work described in Exhibit 45?
 21 A. They have substantially completed the
 22 work that was originally agreed to in the first phase
 23 of work.
 24 Q. Is there anything --
 25 MR. MILLER: Excuse me. Somebody needs to

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1 mute. We are hearing background conversation.
 2 BY MR. ANDERSON:
 3 Q. Is there anything that you can think
 4 of that Komex has not completed, that it has agreed
 5 to complete as part of its scopes of work in '05
 6 through '08?
 7 A. They have substantially completed the
 8 work that we have asked them to do. There were
 9 things that they were working on as part of their
 10 analyses that I don't believe they are continuing to
 11 do. To my knowledge, they have completed everything
 12 that we are asking them to do.
 13 MR. ANDERSON: Exhibit 46 is a Professional
 14 Services Agreement No. 0454, between WorleyParsons
 15 Komex and Orange County Water District.
 16 (Exhibit No. 46 was marked.)
 17 BY MR. ANDERSON:
 18 Q. Is this an agreement between Orange
 19 County Water District and WorleyParsons Komex for
 20 work in connection with the MTBE litigation project?
 21 A. I'm still looking over it.
 22 Q. I'm not going to get real detailed,
 23 but look to the extent you want to.
 24 A. Yes, I believe that it is.
 25 Q. Okay. Is this the most recent

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1 contract between the District and WorleyParsons
 2 Komex?
 3 A. I believe that it is.
 4 Q. Do you anticipate any further
 5 agreements with WorleyParsons Komex in connection
 6 with the MTBE litigation project?
 7 A. I don't know whether we will have any
 8 additional agreements with Komex regarding the MTBE
 9 project.
 10 Q. You don't have any in the works right
 11 now, do you?
 12 A. There is nothing that we are
 13 preparing at this moment.
 14 Q. The term of this agreement set forth
 15 on page 2, Section 5, was to end on June 30, 2008; do
 16 you see that?
 17 A. Yes.
 18 Q. And do you know if the work was
 19 completed under the agreement?
 20 A. I believe that it was.
 21 Q. Does this refresh your recollection
 22 that -- I'm looking at Section 7. This talks about
 23 returning documents at the end of the project.
 24 Is it still your recollection that Komex has
 25 not returned the documents described in this

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1 agreement back to Orange County Water District?
 2 A. We still have an open agreement with
 3 Komex. I believe they substantially completed the
 4 work that they were asked to do, but I don't know
 5 whether all of their materials have been returned to
 6 Orange County Water District.
 7 MR. ANDERSON: Okay. Why don't we take a
 8 short break, and we will change gears when we get
 9 back.
 10 THE VIDEOGRAPHER: This is the end of
 11 tape 2. At 4:00 p.m. we are off the record.
 12 (Recess taken.)
 13 THE VIDEOGRAPHER: Correction, that was the
 14 end of tape 1. This is the beginning of tape 2. At
 15 4:13 p.m. we are back on the record.
 16 (Exhibit No. 47 was marked.)
 17 BY MR. ANDERSON:
 18 Q. Mr. Bolin, I handed you Exhibit 47,
 19 which is a lengthy spreadsheet produced to us by your
 20 counsel the night before last relating to Unocal
 21 Station 5226. Do you see that?
 22 A. Yes.
 23 Q. Do you have any idea why it was
 24 produced to us on August 18th as opposed to ten days
 25 before your deposition started?

18 (Pages 868 to 871)

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<p>1 A. Because that's when I finished it.</p> <p>2 Q. You finished this document on</p> <p>3 August 18th. And why were you working on this</p> <p>4 document up to and including August 18th?</p> <p>5 A. The first two days in my deposition I</p> <p>6 brought some binders with various notes and documents</p> <p>7 to help me answer questions that I might be asked and</p> <p>8 left those documents behind to have copied.</p> <p>9 And when I was able to re-access those</p> <p>10 documents, after those two days of deposition, I know</p> <p>11 that a number of the tabs that I had put on there had</p> <p>12 been moved. A couple of them were not there.</p> <p>13 And so I went back and reattached those</p> <p>14 tabs, went through those documents again and decided</p> <p>15 that it would help me further to answer questions if</p> <p>16 I could have some summary notes for each of those</p> <p>17 binders instead of trying to flip through the binders</p> <p>18 to find answers to questions that I might be asked.</p> <p>19 Q. Now, let's take a look at the first</p> <p>20 page of this exhibit. On line item -- starting with</p> <p>21 line item 35, "Remediation." These are all your</p> <p>22 notes?</p> <p>23 A. These are my notes.</p> <p>24 Q. These are typed in? They are not cut</p> <p>25 and pasted from something else?</p>	<p>1 mentioned when groundwater was being removed from the</p> <p>2 site.</p> <p>3 Q. You note that the responsible</p> <p>4 party -- that's RP, right?</p> <p>5 A. That is correct.</p> <p>6 Q. "Pump groundwater from monitoring</p> <p>7 Well 2 in April of '99 and September of '00." Right?</p> <p>8 A. Yes.</p> <p>9 Q. And then you have the statement,</p> <p>10 "Concluded that vacuum extraction was not feasible."</p> <p>11 What does that mean?</p> <p>12 A. That was a statement or an indication</p> <p>13 made by the consultant in a report that said that the</p> <p>14 vacuum extraction was not a feasible remediation</p> <p>15 technology.</p> <p>16 Q. Did you find any indication, as you</p> <p>17 went through all these records as recently as two</p> <p>18 days ago, that Orange County Water District had</p> <p>19 provided any direction or suggestions or criticisms</p> <p>20 to either the responsible party, its consultants, or</p> <p>21 the Orange County Health Care Agency concerning this</p> <p>22 particular project?</p> <p>23 MR. MILLER: Objection. That's compound.</p> <p>24 THE WITNESS: I don't have any documents</p> <p>25 saying -- that discusses communication between Orange</p>
Page 873	Page 875
<p>1 A. That is correct.</p> <p>2 Q. You say, "Remediation: First</p> <p>3 groundwater capture began in March of '02," right?</p> <p>4 A. And the squiggly mark means</p> <p>5 approximately.</p> <p>6 Q. Approximately?</p> <p>7 A. Approximately in March of '02.</p> <p>8 Q. So this is something you got -- you</p> <p>9 were pulling this out of some documents you were</p> <p>10 looking at, right?</p> <p>11 A. That's correct.</p> <p>12 Q. And what were the documents you were</p> <p>13 looking at?</p> <p>14 A. These are the documents that are in</p> <p>15 the binders for which you have copies.</p> <p>16 Q. And the source of the documents in</p> <p>17 the binder would include the quarterly reports</p> <p>18 provided by the ConocoPhillips consultant?</p> <p>19 A. Yes.</p> <p>20 Q. And the document that said that the</p> <p>21 capture began in March of '02, was that something</p> <p>22 dated back in 2002, or something dated later than</p> <p>23 that?</p> <p>24 A. I would have to look through the</p> <p>25 documents to determine which document, at what date,</p>	<p>1 County Water District and anybody else about this --</p> <p>2 this particular site.</p> <p>3 Of course, I'm only knowledgeable about</p> <p>4 activities that might have taken place after I joined</p> <p>5 the District in 2005. Whether such conversations</p> <p>6 were had with any of these particular RPs or</p> <p>7 regulatory agencies about this site or any of the</p> <p>8 sites before I joined the District, I don't know.</p> <p>9 BY MR. ANDERSON:</p> <p>10 Q. You noted that the responsible party</p> <p>11 had conducted soil excavation of 119 tons in 1992,</p> <p>12 1994 and 1995. Right?</p> <p>13 A. I'm trying -- I'm trying to follow</p> <p>14 along. All these notes kind of run together.</p> <p>15 Can you identify which line?</p> <p>16 Q. Oh, I see. No, apparently that's</p> <p>17 something that's missing from your report.</p> <p>18 Were you aware the responsible party had</p> <p>19 excavated 119 tons of soil in those three years? You</p> <p>20 didn't note it in the report. I'm just asking if you</p> <p>21 knew that?</p> <p>22 A. I might have -- I might be aware of</p> <p>23 that. I might have noted that or read that in one of</p> <p>24 the reports.</p> <p>25 Q. Is soil excavation a method of</p>

19 (Pages 872 to 875)

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1 say as of today, August 20th, 2008. That's all I can
 2 ask of you.)
 3 THE WITNESS: I haven't identified specific
 4 damages, so I can't comment on what damages you might
 5 be referring to. I can only speculate. And I'm not
 6 going to do that here.
 7 But I can comment that there's been a
 8 substantial release from this site, and that it -- of
 9 MTBE and TBA, and that the contamination MTBE and TBA
 10 has gotten into groundwater. Groundwater provides a
 11 drinking water source for the community in the Orange
 12 County Basin.
 13 The Orange County Water District's act
 14 authorizes the District to take steps to evaluate,
 15 mitigate, remediate, investigate, so on and so forth,
 16 contamination and water quality issues in the basin.
 17 This is one of the keen issues that the
 18 Orange County Water District is addressing now. We
 19 are looking at the sources and the potential threat
 20 and impacts to drinking water supplies.
 21 In this particular case, MTBE has been
 22 detected in two of the wells that are identified as
 23 focus wells for this plume focus 9, and indicates
 24 that a more detailed and greater study needs to be
 25 done to determine if we can identify in a better way

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1 where the contamination might be coming from, and
 2 then also what we're going to do about the
 3 contamination.
 4 We have a list of activities that are being
 5 considered but cannot at this point identify exactly
 6 what activities are going to be necessary.
 7 BY MR. ANDERSON:
 8 Q. By the way -- and I'm not going to
 9 cover it with you again because Mr. Herndon did a
 10 good job, but he pulled out a exhibit, or produced an
 11 exhibit that he said you and he collaborated on
 12 recently that listed a lot of investigative
 13 activities, and site specific, non-site specific, and
 14 remediation activities.
 15 Do you recall working on that document with
 16 him recently?
 17 A. I believe I know which document you
 18 might be referring to.
 19 Q. Is that what you were thinking of
 20 when you gave your last answer?
 21 A. That document contains a list of
 22 activities that we potentially might take, might have
 23 to take in cases where we decide we need to
 24 investigate or remediate contamination identified at
 25 the various sites.

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1 MR. ANDERSON: Just for the record, I will
 2 get it.
 3 MR. CORRELL: Here it is.
 4 MR. ANDERSON: Do you have a copy?
 5 Q. Take a look at Exhibit 50 in your
 6 stack. And I think it's probably in order. It looks
 7 like that.
 8 THE REPORTER: Here it is.
 9 MR. ANDERSON: I have an extra copy. Let me
 10 give you a copy.
 11 THE WITNESS: I don't have that.
 12 BY MR. ANDERSON:
 13 Q. Is Exhibit 50 the document you were
 14 just referring to?
 15 A. This is the document that you're
 16 referring to, but this is the one that I thought you
 17 were referring to.
 18 Q. Yes. But let's get back to the
 19 business at hand.
 20 I think I heard you say that you have not
 21 yet determined for site 5226 which, if any, of these
 22 things or other acts will be required by the District
 23 to deal with any remediation problem at that site; is
 24 that correct?
 25 A. That's a conclusion we haven't come

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1 to yet.
 2 Q. I'm sorry?
 3 A. That's a conclusion we haven't come
 4 to yet.
 5 Q. Okay. And do you have an estimate as
 6 to when you will come to that conclusion with respect
 7 to the Unocal site 5226?
 8 A. I believe you asked me that question
 9 the first two days of the deposition. I don't
 10 remember which day.
 11 Q. Yes, but we now have a little more
 12 specific. I think the last time you said you didn't
 13 have an estimate.
 14 MR. MILLER: That document was available
 15 last time, Counsel.
 16 MR. ANDERSON: Maybe it was; maybe it
 17 wasn't.
 18 MR. MILLER: And it's been asked and
 19 answered. You've already gone into it once. How
 20 many times do you have to go into it?
 21 MR. ANDERSON: No. I didn't have this
 22 document last time.
 23 MR. MILLER: It was produced before the
 24 deposition.
 25 MR. ANDERSON: Mr. Miller, we didn't talk

23 (Pages 888 to 891)

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1 about this document in Mr. Bolin's deposition until
2 three minutes ago.

3 My question -- and I will ask it a different
4 way.

5 Q. Does this document refresh your
6 recollection or assist you in estimating the time
7 frame in which the District expects to know the
8 nature of the activities that were required -- would
9 be required to perform in connection with Unocal
10 5226?

11 A. No.

12 Q. I take it, with respect to that
13 station, you're not able to quantify a cost of any of
14 the activities that you might decide to do in the
15 future, right?

16 A. That's correct.

17 Q. And you don't have any estimate of
18 when you will be able to quantify those costs, right?

19 A. No. There's quite a list of
20 activities we would need to be -- need to complete
21 before we came to that conclusion, including
22 mathematical modeling, fate and transport analysis,
23 and some other activities that we're still proposing
24 to do.

25 Q. And when you say "proposing to do,"

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1 you haven't yet contracted with your outside
2 consultants to do that work yet, have you?

3 A. We do not have a contract with an
4 expert to help us with that work right yet.

5 Q. And you don't have an estimate of
6 when you will have such a contract, right?

7 A. Not yet.

8 Q. Now, I had asked a more open-ended
9 question earlier. You answered with respect to
10 Unocal 5256.

11 Let me do this. If you look at Exhibit 2,
12 and it lists, I think, 39 or 40 different stations.
13 And just to clarify, remember we had that USA Station
14 that we -- that isn't listed here, but we understood
15 the District had effectively added to one of the
16 plumes? Do you remember that?

17 MR. MILLER: That was with Mr. Herndon.

18 MR. ANDERSON: But we talked about it last
19 week too, or two weeks ago.

20 Q. I will just represent to you that in
21 addition to the stations listed here, there has been
22 some indication by your lawyers and by Mr. Herndon
23 that there's a USA Station involved as well.

24 A. Yes, there is a USA Station involved
25 that I do not see here -- listed here for focus plume

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1 No. 9.

2 Q. Understood. But for my questioning
3 from this point forward --

4 MR. MILLER: You're going to limit it to 2,
5 7 and 9 for a change?

6 BY MR. ANDERSON:

7 Q. -- assume that that USA Station is on
8 the list, okay?

9 A. Okay.

10 Q. And my question is: You just
11 answered a series of questions about Unocal 5226, and
12 the studies that are going on, and the time frame,
13 and the uncertainty about what, when and where you're
14 going to have to do work. And it is what it is.
15 It's on the record.

16 Do you recall that testimony?

17 MR. MILLER: Objection, mischaracterizes
18 testimony. I don't think the witness used the word
19 "uncertainty." You did. You're misstating the
20 testimony.

21 BY MR. ANDERSON:

22 Q. Do you recall the subject matter we
23 talked about, about the Unocal 5226 station and
24 whether the District had determined what, if any,
25 work was going to have to be done in connection with

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1 the contamination and the remediation of the
2 contamination at that station?

3 A. I'm not certain whether you're
4 talking about discussions we've had today or in prior
5 occasions.

6 Q. Today.

7 A. Today?

8 Q. Today.

9 A. I remember.

10 Q. Just in the last ten minutes.

11 A. I remember.

12 Q. What I want to do is try to shortcut
13 the process and ask you whether your -- the state of
14 your development of information on that station is
15 typical of the other stations listed on Exhibit 2,
16 including the USA Station, or whether there is one or
17 more station where you have more concrete information
18 you can give me?

19 MR. MILLER: Counsel.

20 MR. ANDERSON: Yes, Mr. Miller.

21 MR. MILLER: That question should definitely
22 be limited to 2, 7 and 9. He hasn't reviewed the
23 files on the other stations.

24 MR. ANDERSON: Let's limit the question to
25 2, 7 and 9.

24 (Pages 892 to 895)

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1 THE WITNESS: We have not completed any
 2 modeling studies or fate and transport analysis on
 3 the stations listed for plumes 2, 7 and 9.
 4 These are fundamental activities that we're
 5 going to need to perform to determine whether these
 6 are stations in which pose the kind of threat that we
 7 think exists or whether these -- any of these
 8 stations could be discounted such that we would
 9 expend resources that might be more necessary on
 10 another station.
 11 BY MR. ANDERSON:
 12 Q. Okay. With respect to the stations
 13 listed in plumes 2, 7 and 9, does the District know
 14 when it will be able to complete its analysis to be
 15 able to determine whether, in fact, additional work
 16 needs to be done?
 17 A. Not insofar as giving you a date.
 18 But I can say that it will be after we're able to
 19 complete the activities I just described and after
 20 we're able to get some expert assistance in
 21 completing those activities.
 22 Q. And in terms of, quote, "after you're
 23 able to complete the activities you describe," end
 24 quote, do you have an estimate of when you will
 25 complete that work?

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1 A. I just answered that question.
 2 Q. You just answered a question as to
 3 5226. I don't think you've answered it as to the
 4 general question I asked. How about the other
 5 stations?
 6 A. Okay. Maybe I did not understand you
 7 were referring to the other stations.
 8 May I have that question read back to me.
 9 Q. Let me just ask. I think I can do it
 10 in a couple of short questions.
 11 You've shown us the list of activities on
 12 Exhibit 50, some of which I understand are under
 13 consideration to be performed in connection with each
 14 of the stations, right?
 15 A. That's partly correct. Actually, I
 16 didn't provide that to you. It was -- it was
 17 discovered. It was produced prior to your discussion
 18 with Mr. Herndon, but I believe he's the one that
 19 gave it to you.
 20 Q. Mr. Miller actually claims that I got
 21 it before. So either way.
 22 A. I believe you did.
 23 Q. It's a document you're familiar with?
 24 A. Yes.
 25 Q. And it's your efforts with

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1 Mr. Herndon to list the things that need to be done
 2 in order to evaluate future activities that may be
 3 required by OCWD, that might cost money to perform,
 4 which would provide the basis for damages claims
 5 against the defendants, right?
 6 MR. MILLER: Objection, as asked it's
 7 compound. It's vague. There are numerous items. It
 8 calls for gross overgeneralization.
 9 Answer, if you can.
 10 THE WITNESS: I don't think I can answer
 11 that question. It's very broad.
 12 I can comment on the list of items that were
 13 prepared by Roy Herndon and myself as items that
 14 we're aware of. But the list of items was prepared
 15 to help us to be able to check off a list of items
 16 that might help answer your questions.
 17 And this particular document was not
 18 prepared in anticipation or in preparation for our
 19 depositions, but these are all activities that are
 20 considered necessary and proper for dealing with
 21 these particular sites.
 22 As to which activities we're going to
 23 expend -- or conduct, we don't know yet.
 24 BY MR. ANDERSON:
 25 Q. Okay. And with respect -- I'm trying

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1 to shortcut this as much as I can. But with respect
 2 to the stations listed in plumes 2, 7 and 9 on
 3 Exhibit 2, you, meaning the District, have not yet
 4 determined which, if any, of these activities will be
 5 necessary, correct?
 6 A. That's a very specific question. Let
 7 me take a quick look at this list.
 8 No, actually, there are some items on here
 9 that we are in the process of doing now.
 10 I believe you might be referring to
 11 remediation activities in mind, with that in mind.
 12 But actually on page 3, there's a list of activities
 13 that we're also -- already involved in, and that is
 14 the technical assistance.
 15 We're still trying to identify and secure
 16 some expert -- experts to help us with these kinds of
 17 activities, including staffing. We're entertaining
 18 the idea of hiring new staff, which involves
 19 recruiting, consultant contracting, and those kinds
 20 of activities. Long, labor intensive activities.
 21 Q. Would you characterize those
 22 activities as being investigation and information
 23 gathering activities?
 24 A. Investigation and information
 25 activities would be included in that but not

25 (Pages 896 to 899)

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1 been any taste and odor complaints, or taste or odor
2 complaints, with respect to any Huntington Beach
3 wells where those complaints were attributed to MTBE
4 or TBA?

5 A. I do not know one way or the other.

6 Q. With respect to Huntington Beach
7 Wells 1, 4, 7 and 13, did you investigate whether any
8 of those wells had been threatened by contamination
9 from any service stations, other than those listed
10 with plumes 2, 7 and 9?

11 A. There are a lot of stations in the
12 basin that have not been identified on this list that
13 have had releases.

14 As I have indicated in earlier testimony, we
15 looked at over 400 release sites that are listed for
16 Orange County Basin, and we went through an
17 evaluation process, a preliminary process, and
18 decided that these were the sites that we were going
19 to concentrate on and do further evaluation.

20 MR. MILLER: We're at five o'clock.

21 MR. ANDERSON: I'm pretty close to finishing
22 my questions on my station, if you don't mind going a
23 little bit longer.

24 MR. MILLER: If you ask about your station.

25 MR. ANDERSON: That's what I'm asking about.

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1 Q. Has Orange County Water District
2 performed a detailed analysis of what is needed to
3 evaluate the Unocal 5226 site in terms of future
4 remediation efforts?

5 A. I don't know what you mean by the
6 first part of your question.

7 Q. I probably don't know either.

8 Focus on Unocal 5226, okay? Has Orange
9 County Water District performed a detailed analysis
10 of what additional steps need to be taken in order to
11 complete a satisfactory remediation of that site?

12 MR. MILLER: Objection, vague as to what you
13 mean by "detailed analysis."

14 Do you want the witness to discuss with you
15 what he thinks at this point in time, which is in
16 your deposition notice, or do we want to fight about
17 whether or not it's detailed?

18 MR. ANDERSON: We can take the word
19 "detailed" out.

20 THE WITNESS: That was the word I was going
21 to ask about, because I don't know what you mean by
22 "detailed."

23 I have completed a detailed analysis insofar
24 as I have looked at this site, and I can talk to you
25 about some of my findings. But if you're asking me

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1 about a detailed analysis that includes mathematical
2 modeling, fate and transport evaluations, that hasn't
3 been completed yet.

4 BY MR. ANDERSON:

5 Q. Let's stick with what you have done.

6 So what have you concluded from your analysis that
7 should be done at that site that hasn't been done?

8 A. Contamination should have been
9 contained. It hasn't been contained. It hasn't been
10 captured. It hasn't been removed. And it is
11 continuing -- we believe it is continuing to flow
12 from the site. If not from the site, then certainly
13 contamination that flowed from the site already is
14 still continuing to flow from the site, meaning --
15 I'm sorry. For clarification, I mean that it has
16 escaped the site and will not be captured at the
17 site.

18 Q. Is the amount of contamination that
19 has been escaped the site significant?

20 A. We believe that it is significant
21 insofar as that it's meaningful. Meaning that we're
22 going to have to address it. And it still presents a
23 threat to drinking water wells.

24 Q. Have you decided what you're going to
25 need to do to address it?

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1 A. I believe you asked me that already.

2 But at the risk of repeating myself, we're going to
3 have to do some -- at least some of the activities
4 identified on the list of activities that Mr. Herndon
5 had presented to you.

6 Q. Exhibit 50?

7 A. Exhibit No. 50, yes. We haven't
8 identified exactly which of these items are going to
9 be necessary, but you can bet it's going to be some
10 of the items on the list.

11 Q. Maybe I can bet to that, but you
12 haven't yet determined it, right?

13 A. Well, I -- I've answered that
14 question also.

15 We haven't decided exactly which items on
16 this list are going to be necessary, but we're
17 certain that some of them will be.

18 Q. Right. I saw -- when I asked you
19 about 5226, you pulled out a piece of paper. What is
20 that you're looking at?

21 A. Oh, this is my copy of Exhibit 47.
22 Your copy of Exhibit 47 has smaller print, and it's a
23 difficult little difficult for my eyes.

24 Q. Understood. So it's that exhibit.
25 And that would contain all of your observations on

29 (Pages 912 to 915)

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1 your analysis of that station to date?
 2 A. Not necessarily my observations.
 3 These are notes that I prepared so I could answer
 4 questions in this deposition.
 5 Q. Have you determined that the MTBE or
 6 TBA that you believe has escaped remediation at site
 7 5226 constitutes a threat to groundwater resources
 8 used for drinking water?
 9 A. Yes, I believe it does.
 10 Q. What is the basis for that belief?
 11 A. There's substantial concentrations of
 12 MTBE that has been released from this site. That
 13 contamination has gotten into groundwater and has
 14 flowed away from the site. I believe that the
 15 contamination has not been nor will it be captured by
 16 remediation at the site. And given that it is in
 17 water, which is the transport mechanism, and that
 18 these same compound, MTBE, has been detected in
 19 drinking water wells associated with this plume, we
 20 believe that this site poses a significant threat to
 21 drinking water sources in the basin.
 22 Q. With respect to the series of
 23 conclusions you've just given me in the last two or
 24 three answers about site 5226, keep those in mind. I
 25 mean not specifically, but just the fact that you

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1 have reached a number of conclusions that you've
 2 testified about, right?
 3 A. Okay.
 4 Q. Have you communicated any of those
 5 conclusions to the Orange County Health Care Agency?
 6 A. Specific to this site?
 7 Q. Yes.
 8 A. Not specific to this site.
 9 Q. Have you communicated any of those
 10 conclusions to the station operator?
 11 A. No.
 12 Q. Have you visited --
 13 A. Not directly.
 14 Q. Have you visited the site?
 15 A. I can't be certain whether I've been
 16 on this site or not.
 17 Q. Has the District installed any
 18 monitoring wells in connection with that site?
 19 A. No.
 20 Q. Has the District actively considered
 21 installing monitoring wells at that site?
 22 A. Yes.
 23 Q. And what has it determined as a
 24 result of that active consideration?
 25 A. That additional evaluation is

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1 necessary so we can decide what additional activities
 2 are going to be appropriate and proper.
 3 Q. Have you discussed site 5226 with
 4 anyone else at Orange County Water District?
 5 A. Yes.
 6 Q. Who?
 7 A. I discussed 5226 in the general
 8 context with other sites with Roy Herndon.
 9 Q. Anybody else?
 10 A. In terms of the general discussion of
 11 contamination at various sites, other staff might
 12 include -- or would include Craig Miller, assistant
 13 general manager. I've had a meeting with Mike
 14 Marcus, the general manager, with Virginia Grebbien,
 15 the previous general manager. And I can't think of
 16 anybody else off the top of my head, but these
 17 conversations, although general in nature, included
 18 this site.
 19 Q. Has the District performed any
 20 cleanup work with respect to site 5226?
 21 A. No.
 22 Q. Has the District performed any
 23 abatement work in connection with 5226?
 24 A. Not work specific to 5226.
 25 Q. Has the district performed any

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1 remedial work in connection with 5226?
 2 A. Not work specific to 5226.
 3 Q. Has the District taken any steps to
 4 prevent MTBE contamination or the spread of MTBE
 5 contamination from Unocal Station 5226?
 6 MR. MILLER: Compound. Vague.
 7 Go ahead.
 8 THE WITNESS: At this stage it's premature
 9 to determine whether we need to do anything about
 10 station 5226. So we haven't identified what those
 11 activities are. We haven't completed our analysis.
 12 Until we complete our analysis, we won't
 13 know what we are going to do.
 14 BY MR. ANDERSON:
 15 Q. Has the District determined that a
 16 release of MTBE from Unocal 5226 constitutes an
 17 immediate threat to the groundwater basin or its
 18 producers or its users?
 19 MR. MILLER: Compound.
 20 Go ahead.
 21 THE WITNESS: If you're -- I'm not certain
 22 what you're talking about, an immediate threat.
 23 I would say the threat is immediate when we
 24 have detected MTBE in a drinking water well. In that
 25 context, I would say the threat is immediate.

30 (Pages 916 to 919)